

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-074-T - ORDER NO. 1999-505
JULY 15, 1999

IN RE: Application of Jimmy Moore DBA Jimmy) ORDER / 12
Moore Moving, 111 Murrell Road,) GRANTING
Greenville, SC 29605, for a Class E) CERTIFICATE
Certificate of Public Convenience and)
Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Jimmy Moore DBA Jimmy Moore Moving, (Moore or the Applicant) 111 Murrell Road, Greenville, SC 29605 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in South Carolina.

Pursuant to the instructions of the Executive Director, Moore published a Notice of Filing in newspapers of general circulation, one time. The purpose of the Notice was to inform the public of the proper method to participate in the matter. Moore furnished Affidavits of Publication to prove publication in the newspapers. Petitions to Intervene were received by Lytle's Transfer & Storage, Inc. (Lytle's), Carey Moving & Storage, Inc. (Carey), Carey Moving & Storage of Greenville, Inc. (Carey of Greenville), Arrow Moving & Storage, Inc. (Arrow), Chavis Moving & Storage, Inc. (Chavis) and Collins Moving & Storage, Inc. (Collins).

Accordingly, a hearing was held on June 23, 1999 at 2:30 PM in the offices of the Commission, with the Honorable Philip T. Bradley, presiding. Moore appeared pro se, and presented the testimony of himself, Tom Grant, Bill Moore, Doug Wilson, Cathy Wilson, and Cathy Orr. Appearing for Lytle's was B.R. Bland. Pat Carey appeared for Carey and Arrow. M.A. Carey appeared for Carey of Greenville. Neither Chavis nor Collins appeared at the hearing. F. David Butler represented the Commission Staff, which presented the testimony of L. George Parker, Jr., Transportation Manager.

Jimmy Moore testified that his name was formerly on a certificate for statewide authority with his father, Clyde Moore, but that his name (Jimmy's) was removed from the Certificate by Commission Order. Moore testified that he has been working for his father for a number of years, and has a considerable amount of experience in the moving business, and that he now works under his father's certificate. He states that he would prefer to have his own certificate with statewide authority. Moore states that if the Commission granted the Certificate, that no new authority would really arise, since he has been working in the same areas as his father in any event. Moore also described his equipment, (including one truck), his insurance, and his personnel.

Bill Moore, a former mover, testified that Jimmy Moore does a great job, and that the Greenville area is booming, with enough moving business for everybody. Cathy Orr testified that she will keep books for Moore.

Doug Wilson testified that Moore has moved his family three times in fifteen years, and has provided good service. Two of the moves were Greenville to Greenville moves. Moore moved Wilson's son from Spartanburg to Greenville.

The Intervenors in this case asserted that granting additional household goods authority will dilute the earnings of the existing movers in South Carolina. M. A. Carey testified that his Company has trucks sitting around, with no business to keep them all busy. Carey also takes issue with Moore's statement that granting him a Certificate will not do any harm, since he will just keep doing what he has always been doing. Carey states that an additional certificate would mean additional dilution of existing authority, especially if one of the certificates possessed by the Moore's was sold.

L. George Parker, Jr., Transportation Manager testified regarding the circumstances regarding the removal of Jimmy Moore's name from the certificate now possessed by his father, Clyde Moore. It appears that Clyde Moore requested that Jimmy Moore's name be removed from their joint certificate, and this Commission granted that request by Order. For whatever reason, no written material on this subject was received by Jimmy Moore. We decline to make any ruling or issue any opinion on this particular point.

However, we will proceed to rule on the Applicant's request for statewide authority. S.C. Code Ann. Section 58-23-590 (Supp. 1998) states that an Applicant must prove that it is fit, willing, and able to properly perform the proposed service, and that the proposed service, to the extent to be authorized by the certificate, is required by the present public convenience and necessity. Further, pursuant to our Regulation 103-133, the public convenience and necessity portion must be shown through the use of shipper witnesses.

We believe, considering these criteria, the Applicant has shown the ability to serve points and places between Greenville and Spartanburg Counties. We believe that the Applicant has experience in the moving business, however, we note that he has only one truck. Further, Moore's shipper witnesses only reflect moving experience with Moore in Greenville and Spartanburg Counties. Witness Doug Wilson noted two Greenville to Greenville moves for himself, and a Spartanburg to Greenville move for Wilson's son. Witness Tom Moore noted that the Greenville area was "booming."

Accordingly, we find that Moore is fit, willing, and able to serve between points and places in Greenville and Spartanburg Counties. Further, as per Moore's shipper witnesses, we believe that the public convenience and necessity in this case requires the granting of the Certificate for service between points and places in Greenville and Spartanburg Counties. Based on the evidence, we must reject Moore's request for a statewide Certificate.

IT IS THEREFORE ORDERED:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to move household goods between points and places in Greenville and Spartanburg Counties.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann.

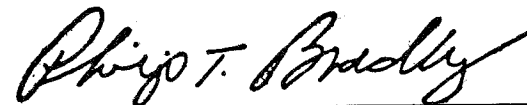
Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann. Section 58-23-10, et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S. C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

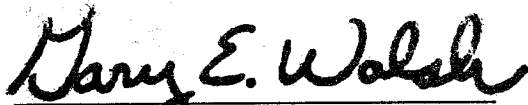
5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)